

Notice of Allowability

Application No.

09/473,277

Examiner

Jalatee Worjloh

Applicant(s)

KOIKE ET AL.

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 08/02/2005.
2. ☒ The allowed claim(s) is/are 24 and 33-38.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 3-04-2005
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Carl Brundidge on September 8, 2005.

The application has been amended as follows:

Claim 33, line 3: changed "creating, by the" to "creating, by a"

Claim 35, line 15: changed "contents the storage" to "contents storage"

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance:

As for independent claim 33, the closest prior art of record is U.S. Patent No. 5689081 to Tsurumi.

Tsurumi discloses a center station that delivers multicast song data to karaoke terminals. Each karaoke terminal has a receiver means to receive the song data and a storing means for saving a distribution schedule table. Tsurumi taken either individual or in combination with other prior art of record fails to teach or suggest transmitting, by the content database device, the digital contents, their goods information and the distribution schedule from the content database device to each of the distribution management devices connected by a network to the content database device, storing, by each of the distribution management devices, the digital contents,

Art Unit: 3621

their goods information and the distribution schedule in a storage of the particular distribution management device and transmitting, by each of the distribution management devices, the digital contents and their goods information thus stored to each of vending devices, connected with the network according to the received distribution schedule as recited in independent claim 33.

As for independent claims 35-38, the closest prior art of record is U.S. Patent No. 5600573 to Hendricks et al.

Hendricks et al. disclose receiving a plurality of programs provided from a plurality of external sources, storing at least one of the received and identified programs for subsequent retrievals and sending program identities and programs to one or more cable headend. Hendricks et al. taken either individual or in combination with other prior art of record fails to teach or suggest if said selected digital content is not saved in the storage device of said corresponding distribution management center, said request to said content database center, receiving said selected digital content in the storage device of said corresponding distribution management center, and then sending said selected digital content to said particular vending device as recited in independent claims 35,36,37 and 38.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- U.S. Patent No. 6055314 to Spies et al. discloses a system and method for secure purchase and delivery of video content programs.
- "Scheduling Video Programs in Near Video-on-Demand Systems" to Abram-Profeta et al. discloses an analytical approach to program scheduling in near video-on-demand systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jalatee Worjloh whose telephone number is 571-272-6714. The examiner can normally be reached on Mondays-Thursdays 8:30 - 7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300 for Regular/After Final Actions and 571-273-6714 for Non-Official/Draft.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/473,277


Page 5

Art Unit: 3621

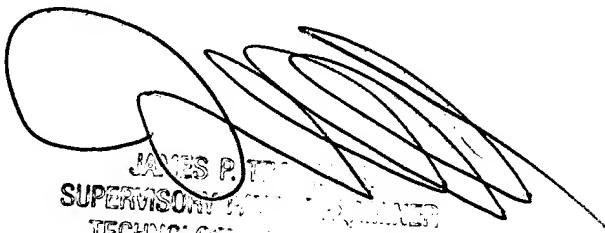
Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

***P.O. Box 1450
Alexandria, VA 22313-1450***


Jalatee Worjloh
Patent Examiner
Art Unit 3621

September 12, 2005


JAMES P. T...
SUPERVISORY...
TECHNOLOGY...